

Regular Session, 2012

HOUSE BILL NO. 846

BY REPRESENTATIVE SIMON

MENTAL HEALTH: Establishes principles for the state mental health system

1 AN ACT

2 To amend and reenact R.S. 28:2(14), (17), and (29)(a)(introductory paragraph), 52(A) and
3 (C), 52.1(A), 52.2(A), 52.3(A), 53(A)(1), 55(J), 64(D), and 772(E) and to enact R.S.
4 28:171.1, relative to mental health law; to provide for definitions; to establish
5 principles for the state mental health system; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 28:2(14), (17), and (29)(a)(introductory paragraph), 52(A) and (C),
8 52.1(A), 52.2(A), 52.3(A), 53(A)(1), 55(J), 64(D), and 772(E) are hereby amended and
9 reenacted and R.S. 28:171.1 is hereby enacted to read as follows:

10 §2. Definitions

11 Whenever used in this Title, the masculine shall include the feminine, the
12 singular shall include the plural, and the following definitions shall apply:

13 * * *

14 (14) "~~Mentally ill person~~" "Person who is mentally ill" means any person
15 with a psychiatric disorder which has substantial adverse effects on his ability to
16 function and who requires care and treatment. It does not refer to a person suffering
17 solely from mental retardation, epilepsy, alcoholism, or drug abuse.

18 * * *

19 (17) "Patient" means any person detained and taken care of as a person who
20 is mentally ill ~~person~~ or person suffering from substance abuse.

21 * * *

1 (29)(a) "Treatment facility" means any public or private hospital, retreat,
 2 institution, mental health center, or facility licensed by the state in which any person
 3 who is mentally ill ~~person~~ or person suffering from substance abuse is received or
 4 detained as a patient. The term includes Veterans Administration and public health
 5 hospitals and forensic facilities. "Treatment facility" includes but is not limited to
 6 the following, and shall be selected with consideration of first, medical suitability;
 7 second, least restriction of the person's liberty; third, nearness to the patient's usual
 8 residence; and fourth, financial or other status of the patient, except that such
 9 considerations shall not apply to forensic facilities:

10 * * *

11 §52. Voluntary admissions; general provisions

12 A. Any person who is mentally ill ~~person~~ or person suffering from substance
 13 abuse may apply for voluntary admission to a treatment facility. The admitting
 14 physician may admit the person on either a formal or informal basis, as hereinafter
 15 provided.

16 * * *

17 C. No director of a treatment facility shall prohibit any person who is
 18 mentally ill ~~person~~ or person suffering from substance abuse from applying for
 19 conversion of involuntary or emergency admission status to voluntary admission
 20 status. Any patient on an involuntary admission status shall have the right to apply
 21 for a writ of habeas corpus in order to have his admission status changed to voluntary
 22 status.

23 * * *

24 §52.1. Informal voluntary admission

25 A. In the discretion of the director, any person who is mentally ill ~~person~~ or
 26 ~~person~~ suffering from substance abuse desiring admission to a treatment facility for
 27 diagnosis or treatment of a psychiatric disorder or substance abuse may be admitted
 28 upon the patient's request without a formal application.

29 * * *

1 §52.2. Formal voluntary admission

2 A. Any person who is mentally ill ~~person~~ or person suffering from substance
3 abuse desiring admission to a treatment facility for diagnosis and/or treatment of a
4 psychiatric disorder or substance abuse and who is deemed suitable for formal
5 voluntary admission by the admitting physician may be so admitted upon his written
6 request.

7 * * *

8 §52.3. Noncontested admission

9 A. A person who is mentally ill ~~person~~ or person suffering from substance
10 abuse who does not have the capacity to make a knowing and voluntary consent to
11 a voluntary admission status and who does not object to his admission to a treatment
12 facility may be admitted to a treatment facility as a noncontested admission. Such
13 person shall be subject to the same rules and regulations as a person admitted on a
14 voluntary admission status and his treatment shall be governed by the provisions of
15 ~~R.S. 28:52H~~ R.S. 28:52(H).

16 * * *

17 §53. Admission by emergency certificate; extension

18 A.(1) A person who is mentally ill ~~person~~ or a person suffering from
19 substance abuse may be admitted and detained at a treatment facility for observation,
20 diagnosis, and treatment for a period not to exceed fifteen days under an emergency
21 certificate.

22 * * *

23 §55. Judicial hearings

24 * * *

25 J. No director of a treatment facility shall prohibit any person who is
26 mentally ill ~~person~~ or person suffering from substance abuse from applying for
27 conversion of involuntary or emergency admission status to voluntary admission

1 status. Any patient on an involuntary admission status shall have the right to apply
2 for a writ of habeas corpus to have his admission status changed to voluntary status.

3 * * *

4 §64. Mental Health Advocacy Service; creation; board of trustees; organization;
5 powers; duties

6 * * *

7 D.(1) Any attorney representing a person who is mentally ill ~~person~~ or a
8 respondent as defined herein shall have ready access to view and copy all mental
9 health and developmental disability records pertaining to his client, unless the client
10 objects. If the patient or respondent later retains a private attorney to represent him,
11 the mental health advocacy service shall destroy all copies of records pertaining to
12 his case.

13 (2) Any attorney representing a person who is mentally ill ~~person~~ or a
14 respondent as defined herein shall have the opportunity to consult with his client
15 whenever necessary in the performance of his duties. A treatment facility shall
16 provide adequate space and privacy for the purpose of attorney-client consultation.

17 * * *

18 §171.1. Principles for the mental health system

19 The department shall provide, to the maximum extent possible, mental health
20 treatment, services, and supports which are consistent with the following principles:

21 (1) Treatment, services, and supports assist in enabling people to exercise
22 self-determination in their lives.

23 (2) Treatment, services, and supports assist in enabling people to achieve
24 their maximum potential through increased independence, productivity, and
25 inclusion in their communities.

26 (3) Personal outcomes and goals are considered in the development of
27 individualized supports for each person.

28 (4) The community where the person chooses to live and work is an
29 appropriate place to provide treatment, supports, and services.

1 (5) Persons with mental illness are generally best able to determine their own
 2 needs, rather than their needs being determined by others.

3 (6) For children with mental illness, the needs of the entire family should be
 4 considered in the development of family supports.

5 (7) Family supports may enable children to live in stable family
 6 environments with enduring relationships with one or more adults regardless of the
 7 severity of the mental illness of the child or the degree of support necessary.

8 (8) Children and young adults with mental illness receive and participate in
 9 an appropriate education which enables them to have increased opportunities for well
 10 being, development, and inclusion in their communities.

11 (9) Existing natural supports and community resources are promoted and
 12 utilized.

13 * * *

14 §772. Funding of regional addictive disorder services

15 * * *

16 E. The secretary or assistant secretary of the department shall submit an
 17 annual report to each member of the legislature listing the contractors and the
 18 amounts such contractors received for the provision of regional addictive disorder
 19 services and services provided through grants which were received through
 20 application by the department or a regional office of the department.

21 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Simon HB No. 846

Abstract: Establishes principles for the state mental health system.

Proposed law amends provisions of present law to change the term "mentally ill person" to "person who is mentally ill".

Proposed law provides codified principles for the state mental health system which include the following:

- (1) Treatment, services, and supports assist in enabling people to exercise self-determination in their lives.
- (2) Treatment, services, and supports assist in enabling people to achieve their maximum potential through increased independence, productivity, and inclusion in their communities.
- (3) Personal outcomes and goals are considered in the development of individualized supports for each person.
- (4) The community where the person chooses to live and work is an appropriate place to provide treatment, supports, and services.
- (5) Persons with mental illness are generally best able to determine their own needs, rather than their needs being determined by others.
- (6) For children with mental illness, the needs of the entire family should be considered in the development of family supports.
- (7) Family supports may enable children to live in stable family environments with enduring relationships with one or more adults regardless of the severity of the mental illness of the child or the degree of support necessary.
- (8) Children and young adults with mental illness receive and participate in an appropriate education which enables them to have increased opportunities for well being, development, and inclusion in their communities.
- (9) Existing natural supports and community resources are promoted and utilized.

(Amends R.S. 28:2(14), (17), and (29)(a)(intro. para.), 52(A) and (C), 52.1(A), 52.2(A), 52.3(A), 53(A)(1), 55(J), 64(D), and 772(E); Adds R.S. 28:171.1)